

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN P. JOHNSON,

Plaintiff,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

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5:15-CV-024 RP

ORDER

Before the Court are Plaintiff's Request for Extension of Time to File His Motion for Summary Judgment, filed October 15, 2015 (Dkt. 48) and Defendant's Response in Opposition, filed October 22, 2015 (Dkt. 49). According to the Scheduling Order (Dkt. 10), "[a]ll dispositive motions shall be filed on or before October 16, 2015." Plaintiff now moves the Court to allow him fourteen additional days to file his motion for summary judgment.

Plaintiff contends that he needs more time to file a motion for summary judgment because as of the original October 16 deadline he had not received supplemental answers from Defendant for two interrogatories. The United States Magistrate judge, in an Order, entered October 2, 2015 (Dkt. 41), directed Defendant to provide Plaintiff with a proposed protective order within seven days. The Court further Ordered that if parties should agree to a protective order, then Defendant was to supplement its answers on certain discovery requests within seven days of the entry of the protective order. This Court entered the parties' agreed Protective Order on October 13, 2015. (Dkt. 46.) PRA's supplemental answers were therefore due on October 20, 2015, four days after the deadline for dispositive motions.

A scheduling order may be modified for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4); *see also* Fed. R. Civ. P. 6(b)(1) ("When an act may or must be done within a

specified time, the court may, for good cause, extend the time”). As a consequence of the Court’s previous order, some discovery responses were unavailable to Plaintiff by the original dispositive motion deadline. Accordingly, the Court finds that there is good cause to extend the dispositive motion deadline. However, Plaintiff is reminded that prior to filing future nondispositive motions he is required to confer in good faith with opposing counsel in an attempt to resolve the matter by agreement. Local Rule CV-7(i).

Plaintiff’s Request for Extension of Time to File His Motion for Summary Judgment, filed October 15, 2015 (Dkt. 48), is hereby **GRANTED**. All dispositive motions shall be filed **on or before October 30, 2015.**

SIGNED on October 27, 2015.

A handwritten signature in blue ink, appearing to read "Robert Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE